

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE: LESTER LEE WOODS
CAROLYN P. WOODS
Debtors

Case No. 15-50970
Chapter 7

CAROLYN P. WOODS
Movant,

v.

CARILION STONEWALL JACKSON HOSPITAL
Respondent.

MOTION TO QUASH

Carolyn P. Woods, Debtor, moves to quash the Garnishment Summons, Exhibit 1, and states as follow:

1. Debtor filed her petition for relief under Chapter 7 of Title 11 of the United States Code.
2. Debtor is subject to a garnishment issued Lexington/Rockbridge GDC, 20 South Randolph St, Suite 200, Lexington, VA 24450 within 90 days of the filing of Debtor's petition;
3. Said Garnishment is in favor of Respondent Carillon Stonewall Jackson Hospital, 1502 Williamson Rd NE, Ste 200, Roanoke, VA 24012.
4. Garnishee is Debtor's employer, Walmart Stores, Inc., c/o CT Corporation System, RA, 4701 Cox Rd, Ste 285, Glen Allen, VA 23060 with a garnishment address of ADP, Wage Garnishments, PO Box 221230, El Paso, TX 79912.
5. Said Garnishment Summons has a return date of October 26, 2015.
6. Monies in the sum of \$1,629 have been taken from Debtor's wages.

WHEREFORE, the undersigned respectfully prays the Motion to Quash be granted, all garnished sums be returned to Debtor, and the undersigned have such further relief as the nature of this cause may require.

Copies are directed to be mailed to debtor, creditor, and debtor's employer.

Respectfully,
/s/Donald M. Burks
Donald M. Burks, Esq.
VSB #41311
Don Burks, P.C.

30 Crossing Lane, Suite 205
Lexington, VA 24450
Ph: 540-463-1080
Fax: 540-463-1082
Counsel for Debtor

CERTIFICATE OF SERVICE

I hereby certify that I have on October 11, 2015 electronically filed the original of the foregoing with the United States Bankruptcy Court for the Western District of Virginia, Harrisonburg Division, which caused electronic notification of the filing to be served on the Trustee, and via first class mail to Lexington/Rockbridge GDC, 20 South Randolph St, Suite 200, Lexington, VA 24450; Carillon Stonewall Jackson Hospital, 1502 Williamson Rd NE, Ste 200, Roanoke, VA 24012; Walmart Stores, Inc., c/o CT Corporation System, 4701 Cox Rd, Ste 285, Glen Allen, VA 23060; ADP, Wage Garnishments, PO Box 221230, El Paso, TX 79912.

/s/Donald M. Burks
Donald M. Burks
Counsel for Debtor

GARNISHMENT SUMMONS

Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

COPY

LEXINGTON/ROCKBRIDGE

COURT NAME

General District Court

20 SOUTH RANDOLPH ST SUITE 200 LEXINGTON VA 24450

COURT ADDRESS AND TELEPHONE NUMBER

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

6-9-15
DATE OF ISSUANCE OF SUMMONS

CLERK

DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ yes ☐ no ☐ cannot be demanded

6-9-15
DATE OF ISSUANCE OF WRIT

CLERK

CASE DISPOSITION

I ORDER that

☐ the garnishee pay to the judgment creditor through the court \$ net of any credits.

☐ the case be DISMISSED.

☐

DATE ENTERED

JUDGE

CASE NO.

11000932-01

HEARING DATE & TIME

1906163

CARILION STONEWALL JACKSON HOSPITAL

JUDGMENT CREDITOR'S NAME

10/26/15 3:30 PM

STREET ADDRESS

1502 WILLIAMSON RD NE STE 200

CITY, STATE, ZIP

ROANOKE VA 24012

TELEPHONE NUMBER

888-224-2030

GARNISHMENT SUMMONS

JUDGMENT CREDITOR'S ATTORNEY'S NAME

ADDRESS

TELEPHONE NUMBER

This is a garnishment against (check only one)

☐ the judgment debtor's wages, salary or other compensation.

☐ some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

CAROLYN PAULINE WOODS

JUDGMENT DEBTOR'S NAME (SERVE)

4013 BRATTONS RUN RD

STREET ADDRESS

GOSHEN VA 24439

CITY, STATE, ZIP

223920467 GREENWAY & ASSOCIATES

SOCIAL SECURITY NUMBER

TELEPHONE NUMBER

☐ Support
☐ 50% ☐ 55%
☐ 60% ☐ 65%
(if not specified, then 50%)

WALMART STORES INC

GARNISHEE'S NAME

SERVE: REGISTERED AGT

STREET ADDRESS

4701 COX RD SUITE 285

CITY, STATE, ZIP

GLEN ALLEN VA 23060

09/26/11 GREENWAY & ASSOCIATES

DATE OF JUDGMENT

TELEPHONE NUMBER

STATEMENT

\$ 1708.37

Judgment Principal

0.00

Credits

450.22

Interest

67.00

Judgment Costs

67.00

Attorney's Fees

67.00

Garnishment Costs

☐ state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ received by

JUDGMENT CREDITOR

☐ Judgment debtor present

DATE

2294.50 TOTAL BALANCE DUE

The garnishee shall rely on this amount.